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Alexandria, VA 22313-1450

#17
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SEP 09 2003

Technology Center 2600

Re: Appl. no. 09/857,136

August 21, 2003

Dear Ms. White:

We are in receipt of your letter dated March 17, 2003 responding to our refund request dated April 11, 2002. The letter says:

The IPER does not indicate that the claims meet the criteria for the smaller fee.

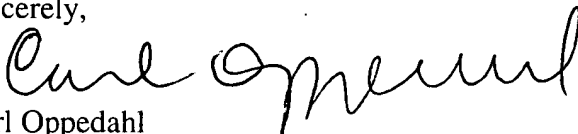
It is respectfully submitted that this statement is in error.

Attached for your convenient reference is a copy of the IPER. As may be seen, claims 1-8 meet the criteria for the smaller fee.

With our letter of April 11, 2002 we provided a copy of the preliminary amendment which was filed at the time of the entry into the national stage. Attached for convenient reference is another copy of that amendment. As may be seen, all claims other than claims 1-8 were canceled.

It is requested that you reconsider the position taken in your March 17, 2003 letter.

Sincerely,



Carl Oppedahl
PTO Reg. No. 32,746



Approved for use through 07/31/2008. Case 0551-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Pocket Number (Optional) TL51. P001	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on August 22, 2003		In re Application of Simon	
Signature Carl Oppedahl		Application Number 04854 136	Filed 09/10/2001
Typed or printed name Carl Oppedahl		For signaling system	Art Unit 2663
Examiner Hyun			
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 1.17(b))		\$ 320	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ 160	
<input type="checkbox"/> A check in the amount of the fee is enclosed.		RECEIVED AUG 28 2003 Technology Center 2600	
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 150010 . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		Carl Oppedahl Signature	
<input type="checkbox"/> applicant/inventor.		Carl Oppedahl Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB98)		970 468 6600 Telephone number	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 32746		22 Aug 03 Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a).			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the subject which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form, and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

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